



# Notice of Proposed Rule Amendment

## Amendment of Shoreline Management Act rules Chapters 173–18, 173–20, 173–22, 173–27 WAC

### Public Hearings

*Public hearings begin at  
6:00 p.m.*

#### **Renton**

**Sept. 21, 2006**

Renton Technical  
College, Building H,  
Rooms 102 & 103  
3000 NE Fourth St

#### **Longview**

**Sept. 25, 2006**

Lower Columbia College  
Student Center Conf.  
Room A & B  
1600 Maple St

#### **Wenatchee**

**Sept. 26, 2006**

Community Center  
Veterans Hall  
504 S Chelan Ave

#### **Spokane**

**September 27, 2006**

Spokane Comm. College  
Student Bldg #17 Lounge  
A & B  
3410 W Fort George  
Wright Dr

Ecology is soliciting comments on revisions to the above four rules, which were adopted under the authority of the Shoreline Management Act (SMA) of 1971, Chapter 90.58 RCW. The proposing revisions would:

- Introduce a streamlined local process for updating the geographic extent of SMA application
- Bring rules up to date with current law and court decisions
- Remove redundant text
- Add clarity

*These amendments are not revising the 2003 Guidelines for preparation of Shoreline Master Programs (SMPs) adopted in WAC 173-26.*

### **Public Hearing dates**

Public hearing dates and locations are shown in the sidebar. Comments are due October 4, 2006 (see reverse for methods to provide comments.)

### **Our proposal includes the following:**

**Revise the process for updating the official “Shoreline” area:** In the 1970’s, when the Shoreline Management Act was established, Ecology identified – by county – all the streams, lakes and wetlands meeting the SMA definition of “Shorelines of the State”. These lists were adopted in WACs 173-18, 20, and 22.

Soon we will have a better means to identify geographic coverage of the Shoreline program – updated Shoreline Master Programs being developed by local governments across the state. These documents will include more complete and accurate maps of Shoreline coverage in each city and county. Each updated SMP must be formally approved by Ecology.

The proposed amendments to WAC 173-18, 20, and 22 would recognize updated Shoreline Master Programs as the source for identifying SMA jurisdiction. SMPs would supercede the outdated WAC lists as they are updated by local governments and officially approved by Ecology. SMP updates are scheduled to continue through 2014.

**Update rules to conform with court and Hearings Board cases:** This rule amendment is proposed to ensure consistency with three court and Board cases.

1. Requires new waterbodies, identified as meeting the Shoreline definition (ex. reservoir or lake over 20 acres), to be added to the official maps within three years of identification. (*Thomas Lake-Thurston County Superior Court*)



2. Revises the "Floodway" definition to conform to the statutory definition.  
(*Samuel's Furniture* - Court of Appeals.)
3. Alters "Date of filing" for various Shoreline permits so it conforms to statute.  
(*H&H Partnership* – Appeals Court, Div. 2)

**Update WAC to reflect revisions to statute:** Several definitions and other sections in the WAC directly link to provisions in the SMA (RCW 90.58). The revised rules incorporate these statutory changes. These changes include updating the definition of "exempt" development and permit timing provisions. A new section is proposed which lists several statutes that supersede (in full or in part) the regulations and processes of the Shoreline Management Act. These statutes are not clearly identified in the current rule. The new section is being added to ensure clarity.

**Consistency with Federal Coastal Zone Management guidance from National Oceanic & Atmospheric Administration:** Several provisions in the existing rule do not conform to recent Federal guidance on CZM "consistency" determinations. Proposed revisions refer readers to the Federally-approved CZM program document for our state.

### **Documents available**

These following documents are available at the Ecology rule amendment web page at [http://www.ecy.wa.gov/laws-rules/activity/wac173\\_18\\_22\\_27.html](http://www.ecy.wa.gov/laws-rules/activity/wac173_18_22_27.html). Hard copies of the proposed rules are available by calling Don Bales at 360-407-6528. The available documents are:

- Proposed rule revisions
- A small-business environmental impact statement
- Cost benefit analysis
- Other information related to the rule

### **What is the schedule for final rule adoption?**

Hearings for this rule will be held September 21 – 27 (see sidebar on first page). The anticipated date of adoption is November 1, 2006.

### **How and when can I comment on the proposed rule?**

**Comments must be sent (either postmarked or have arrived by email or fax) by 5:00 p.m. October 4, 2006 by:**

- **Web comments** at [http://www.ecy.wa.gov/laws-rules/activity/wac173\\_18\\_22\\_27.html](http://www.ecy.wa.gov/laws-rules/activity/wac173_18_22_27.html) or
- **Emailing** us at [tcli461@ecy.wa.gov](mailto:tcli461@ecy.wa.gov) or
- **Faxing** us at 360-407-6902, or
- **Mailing** at SMA Rule, SEA Program, Dept. of Ecology, PO BOX 47600, Olympia, WA 98504-7600

*If you require special accommodations or need this document in an alternate format, please contact Ecology Main Reception at 360-427-7000. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.*